

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REYNALDO AYALA,

Plaintiff,

No. C 10-00979 JSW

v.

ROBERT AYERS, JR, ET AL.,

Defendants.

**ORDER RE MOTION FOR AN  
ORDER TO SHOW CAUSE**

Now before the Court is the motion filed by Plaintiff Reynaldo Ayala for an order requiring Defendants D. Schlosser, J. Guthrie, J. Wagner, and S. Faaita (collectively, "Custody Staff Defendants") to file an answer to the Third Amended Complaint. The Court finds that this matter is appropriate for disposition without oral argument and it is deemed submitted. *See* Civ. L.R. 7-1(b). Accordingly, the hearing set for March 22, 2013 is HEREBY VACATED. Having considered the parties' papers and the relevant legal authority, and good cause appearing, the Court hereby GRANTS Plaintiff's request.

Defendants to a lawsuit brought by a prison inmate may formally waive their right to reply to a complaint. According to 42 U.S.C. § 1997e(g)(1), "[a]ny defendant may waive the right to reply to any action brought by a prisoner confined to any jail, prison, or other correctional facility under section 1983 of this title or any other Federal law." However, the Court may order that defendants to respond to the complaint pursuant to 42 U.S.C. § 1997e(g)(2).

1 The Court finds it appropriate in this matter for Custody Staff Defendants to file a  
2 written answer to the Third Amended Complaint by no later than March 8, 2013.

3 **IT IS SO ORDERED.**

4 Dated: February 22, 2013

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE